IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY NINTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

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WRIT PETITION NO : 13882 of 2005

Between:

1. V.Sreeramachandra Murthy, S/o. Kama Raju, R/o.Yeleswaram, E.G.District.

2. V.Venkateswara Rao, S/o. Kama Raju, R/o.Yeleswaram, E.G.District.

..... PETITIONERS

AND

1. The State of A.P, Rep by its Secretary, Tribal Welfare department, Govt. of A.P, Secretariat, Hyderabad.

2. The Mandal Revenue Officer, Addateegala , E.G.district.

3. The Deputy Collector, Tribal Welfare, Rampachodavaram, E.G.District

4. Munagaru Babu Rao, S/o.Sambaiah, R/o.Gondolu (V), Addateegala Mandal, E.G.district.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus or any other appropriate writ, declaring the action of the 1st respondent in not granting stay pending revision before the government as illegal, arbitrary, and for a consequential direction directing the respondents not to evict the petitioners from their lands.

Counsel for the Petitioners: MR.M.LAKSHMANA SARMA

Counsel for the Respondent Nos.1 to 3: GP FOR SOCIAL WELFARE

Counsel for the Respondent No.4: NONE APPEARED

The Court at the admission stage made the following:

ORDER:

This writ petition is filed aggrieved by the action of the first respondent in rejecting stay by proceedings dated 20.06.2005, pending disposal of the revision.

According to the petitioners, the third respondent initiated proceedings under the provisions of the A.P. Scheduled Areas Land Transfer Regulation, 1959, at the instance of the fourth respondent, in L.T.R.P.No.50 of 1990 and passed orders after conducting enquiry for ejectment of the petitioners from land of an extent of Ac.1.36 cents in R.S.No.9/9 and Ac.0.71 cents in Survey No.10/2 of Gondolu village, Addateegala Mandal, East Godavari District. As the petitioners were unsuccessful even before the appellate authority, they filed a revision petition before the first respondent and pending revision, they also sought for stay of the order of lower authorities. But, the first respondent rejected the stay petition without considering the same on merits. Hence, the present writ petition.

Heard the learned counsel for the petitioners and learned

Government Pleader for Social Welfare appearing for the respondents.

As the statutory revision filed by the petitioners is pending before the first respondent, it is not proper and just to dispossess the petitioners from the schedule land. Therefore, the impugned order is set aside and the respondents are directed not to dispossess the petitioners from the schedule land, pending disposal of the revision by the first respondent. The first respondent is also directed to dispose of the revision filed by the petitioners expeditiously, preferably within a period of three months from the date of receipt of a copy of this order.

The writ petition is accordingly disposed of. No costs.

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29.06.2005

Note: Issue CC in two days.

(b/o)

VGB

To

1. The Secretary, State of A.P, Tribal Welfare department, Govt. of A.P,

Secretariat, Hyderabad.

2. The Mandal Revenue Officer, Addateegala , E.G.district.

3. The Deputy Collector, Tribal Welfare, Rampachodavaram, E.G.District

4. 2CCs to the Government Pleader for Social Welfare, High Court Buildings, Hyderabad. (OUT)

5. 2CD copies.